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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION
5

6 LAZARUS A. ORTEGA,

7 Plaintiff,

8 vs.

9 DEPUTY GIAMALVO, et al.,

10 Defendant.

Case No: C 07-4436 SBA

**ORDER DENYING PLAINTIFF'S PRO
SE MOTION FOR SUBPOENA DUCES
TECUM**

Docket 33

11
12 Plaintiff previously filed a motion for the issuance of a subpoena duces tecum in which he
13 requested Defendants to produce (1) photographs of the "crime scene," (2) documents relating to
14 grievances and (3) his medical and psychiatric records. The motion appears to be a discovery
15 request.

16 Plaintiff filed the instant motion while he was pro se. However, the Court recently
17 appointed counsel to represent him in this action. As such, given that development, coupled with
18 the procedural impropriety of Plaintiff's discovery request, the Court DENIES Plaintiff's motion
19 for the issuance of a subpoena duces tecum, without prejudice to Plaintiff presenting an appropriate
20 discovery request through counsel. This Order terminates Docket No. 33.

21 IT IS SO ORDERED.

22
23 Dated: October 26, 2009


SAUNDRA BROWN ARMSTRONG
United States District Judge